

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

STATE OF TEXAS, *et al.*,
Plaintiffs,

v.

UNITED STATES OF AMERICA, *et al.*,
Defendants,

Case No. 18-cv-00068

KARLA PEREZ, *et al.*,
Defendant-Intervenors,

and

STATE OF NEW JERSEY,
Defendant-Intervenor.

JOINT UNOPPOSED MOTION TO MODIFY JUNE 24 ORDER

Federal Defendants and Perez Defendant Intervenors' jointly move to seek modification of the Court's June 24, 2019 Oral Order, that Federal Defendants respond to Defendant Intervenors' discovery request regarding advance parole within 90 days by reviewing a sampling of 500 files.

Federal Defendants understand the Court's June 24 Order to be related to Perez Defendant Intervenors' Interrogatory 13, which requests that Federal Defendants:

Please identify the number of approved, initial DACA applications submitted by individuals who indicated on their I-821D, in response to Part 3. Question 4, that their immigration status on June 15, 2012 was "Status Expired" or "Parole Expired," and who answered in the affirmative in response to Part 3. Question 5.a. ("Were you EVER issued an Arrival-Departure Record"), for each Plaintiff State for each month during the period of June 2012 to June 2018.

However, at the conclusion of the June 24 hearing, Perez Defendant Intervenors' proposed that Federal Defendants respond to a revised interrogatory. Since then, the parties have met and

conferred to clarify the terms of the revised interrogatory and the additional time and resources that Federal Defendants need to respond to the revised interrogatory.

Because the Court's June 24 Order would have required Federal Defendants to respond to Interrogatory 13 within 90 days by reviewing a sampling of 500 files, the parties respectfully request modification of the Court's June 24 Order – such that Federal Defendants will respond to the following revised interrogatory by October 14, 2019, by reviewing a random sampling of 500 responsive records:

Please identify the total number of requestors approved for DACA between June 2012 and June 2018:

- With an approved Form I-485 (Application to Register Permanent Residence or Adjust Status), based on 8 U.S.C. § 1255(a), and
- Who received a Class of Admission code (COA) following approval of the Form I-485 indicating they adjusted to Lawful Permanent Resident (LPR) status as an immediate relative (*i.e.*, qualified spouse, child or parent of a United States citizen), and
- With an approved Form I-131 application for an advance parole document based on the standards associated with the DACA policy where the Form I-131 was approved before the Form I-485 filing date; and
- Who was paroled into the United States by U.S. Customs and Border Protection on the basis of the DACA-based advance parole document (Form I-512L) that was issued to the DACA recipient and where such parole occurred before the Form I-485 was filed; and
- Where the DACA recipient/adjustment applicant could not have met the requirement in 8 U.S.C. § 1255(a) to have been “inspected and admitted, or paroled” but for his or her entry to the United States on the DACA-based advance parole document.

Perez Defendant Intervenors have agreed to withdraw their interrogatories 13, 17 and 18.¹ Perez Defendant Intervenors also agree not to propound further written discovery relating to advance parole without seeking leave of the Court.

A Proposed Order is attached hereto.

¹ Interrogatories 17 and 18 are part of Perez Defendant Intervenors' Fourth Set of Discovery Requests, served on Federal Defendants on June 20, 2019.

Dated: July 18, 2019

JOSEPH H. HUNT
Assistant Attorney General
Civil Division

WILLIAM C. PEACHEY
Director, Office of Immigration Litigation
District Court Section

Respectfully submitted,

/s/ Jeffrey S. Robins

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CERTIFICATE OF CONFERENCE

Pursuant to Local Civil Rule 7.1(b), the undersigned counsel certifies that the Federal Defendants' counsel conferred with counsel for Plaintiff States and New Jersey intervenor on July 16 and 17, 2019, and they do not oppose this motion.

/s/ Jeffrey S. Robins

JEFFREY S. ROBINS
Deputy Director
Lead Attorney
U.S. Department of Justice, Civil Division

Attorney for Federal Defendants

CERTIFICATE OF SERVICE

I hereby certify that on July 18, 2019, I electronically filed the foregoing with the Clerk of the Court by using the Court's CM/ECF system. I also certify that the foregoing document is being served this day on all counsel of record either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/ Jeffrey S. Robins

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U.S. Department of Justice, Civil Division

Attorney for Federal Defendants

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Case No. 18-cv-00068

[PROPOSED] ORDER RE: JOINT MOTION TO MODIFY JUNE 24 ORDER

WHEREFORE, upon the joint motion of counsel for Perez Defendant Intervenors and Federal Defendants,

IT IS HEREBY ORDERED that Federal Defendants will respond to the following revised interrogatory by October 14, 2019, by reviewing a random sampling of 500 responsive records:

Please identify the total number of requestors approved for DACA between June 2012 and June 2018:

- With an approved Form I-485 (Application to Register Permanent Residence or Adjust Status), based on 8 U.S.C. § 1255(a), and
- Who received a Class of Admission code (COA) following approval of the Form I-485 indicating they adjusted to Lawful Permanent Resident (LPR) status as an immediate relative (*i.e.*, qualified spouse, child or parent of a United States citizen), and
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- Where the DACA recipient/adjustment applicant could not have met the requirement in 8 U.S.C. § 1255(a) to have been “inspected and admitted, or paroled” but for his or her entry to the United States on the DACA-based advance parole document.

IT IS FURTHER ORDERED that Federal Defendants need not respond to Perez Defendant Intervenors' interrogatories 13, 17 and 18, and Perez Defendant Intervenors will not propound further discovery relating to advance parole without seeking leave of the Court.

SO ORDERED.

Signed on July ___, 2019, at Houston, TX.

Honorable Andrew S. Hanen
United States District Judge